

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHRISTOPHER H. HANSEN, et al.,

2:08-CV-479 JCM (RJJ)

Plaintiffs,

v.

JOSHUA NIEVES, et al.,

Defendants.

ORDER

Presently before the court is defendant Joshua Nieves motion for partial summary judgment as to punitive damages (doc. # 65), motion for partial summary judgment as to claims based on “second and fourth incidents ”(doc. # 66), and motion for partial summary judgment as to claims for intentional torts. (Doc. # 67). Plaintiffs Christopher H. Hansen, Dawn E. Hansen, and Joshua Hansen, (hereinafter collectively referred to as “plaintiffs”) filed a combined opposition to the three motions (doc. # 73), and defendant Nieves filed a combined reply to the three motions. (Doc. # 77).

Plaintiffs filed the present action in December 2007, in the Eighth Judicial District Court of Nevada against defendants Joshua Nieves, Las Vegas Metropolitan Police Department (LVMPD), sergeant Pinjuv, and officers Jivapong, Seed, and Ruiz. (Doc. # 1). In April 2008, defendants LVMPD and its individual employee-defendants removed the action to this court based on federal question jurisdiction. (Doc. # 1).

Plaintiffs’ complaint stems from a series of incidents taking place between two neighbors, the Hansen family and their boxer dog, and Joshua Nieves and his pit bull dog. These incidents, as plaintiffs describe them in their complaint, include the following: 1) an interaction between the

1 families and their dogs in December 2005, which this court has previously dismissed (doc. # 49);
2 2) an undated incident where defendant allegedly allowed his dog to bark, growl, and attempt to
3 jump a fence dividing their properties; 3) an attack between the two dogs in March 2007; 4)
4 allegations that defendant called the police under false pretenses; and 5) allegations regarding the
5 response of the LVMPD sargent and officers to the March 2007 incident. Plaintiffs alleged various
6 Constitutional and federal statutory violations against LVMPD and its employee-defendants.
7 Plaintiffs also alleged state law claims for negligence and intentional torts against defendant Nieves.

8 Defendant Nieves moves this court for summary judgment as to all claims involving the
9 second and fourth incidents (doc. # 66), claims for intentional torts (doc. # 67), and punitive
10 damages. (Doc. # 65). In a separate order, this court granted defendants LVMPD and sergeant
11 Pinjuv, and officers Jivapong, Seed, and Ruiz summary judgment as to all Constitutional and federal
12 statutory claims.

13 There are no federal claims for relief as to the remaining defendant. Therefore, this court
14 declines to exercise supplemental jurisdiction over plaintiffs' state law claims, and dismisses the
15 state law claims without prejudice.

16 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs' remaining state
17 law claims are DISMISSED.

18 IT IS FURTHER ORDERED that defendant's motions for summary judgment (Doc. ## 65,
19 66, and 67) be, and the same hereby are, DENIED, as moot.

20 DATED August 6, 2010.

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23 **UNITED STATES DISTRICT JUDGE**